IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

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| United States of America,<br><br>v.<br><br>Alexander Watson,<br><br>Defendant. | Cr. No. 3:09-825 (CMC)<br><br>**OPINION and ORDER** |

This matter is before the court on Defendant's letter, received August 23, 2013, which the court as construed as a motion to compel the Government to file a Rule 35 motion. ECF No. 1195. This motion is similar to a motion to compel previously denied by this court on June 1, 2012. ECF No. 1101.

Under Rule 35(b), the decision to move for reduction of sentence is solely in the discretion of the Government. The district court is without authority to compel such a motion unless Defendant can show that his cooperation is complete, and that the Government breached the plea agreement or that the Government's failure to file resulted from an unconstitutional motive or was not rationally related to a legitimate government goal. *Wade v. United States*, 504 U.S. 181, 185-86 (1992); *United States v. Butler*, 272 F.3d 683, 686 (4th Cir. 2001). Defendant must make a "substantial threshold showing," *Wade*, 504 U.S. at 186, of either of these elements which should constitute more than a recitation of the assistance provided.

Defendant has made no showing of any change in circumstances since the last time he filed a motion to compel. While he indicates that he has been programming and has been continuing to provide assistance to authorities, he makes no showing that his cooperation is complete or that it rises to the level of substantial assistance. Additionally, Defendant has not provided any evidence of a breach of the plea agreement by the Government, nor has he made a "substantial threshold showing" relating to either element noted above. Therefore, Defendant's letter, construed as a motion to compel, is **denied**.

**IT IS SO ORDERED**.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
August 27, 2013